

A
CHARGE

BY THE

Chairman to the Grand-Jury,

AT THE

General Quarter-Sessions of the Peace

FOR THE

County of ESSEX

AT

CHELMSFORD,

July 10 1705.

By *Nicholas Corfellis*, Esq; one of Her Majesty's Justices of the Peace for the said County.

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A CHARGE by the Chairman to the Grand-Jury, at the General Quarter-Sessions, &c.

BEing desired by the Grand-Jury, several of the Justices of the Peace and Gentlemen of the County of *Essex*, to print the Charge I delivered at the General Quarter-Sessions of the Peace, held at *Chelmsford* the 10th of *July* 1705, I rather chose to expose my self to the Censure of some People than refuse their Request, and have accordingly printed the same, and set my Name to it; which is as follows.

Gentlemen,

Justices of the Peace have Power at their Sessions to examine, but not to try Treason, and several other Felonies; and where they have (in discretion) they do forbear to determine great ones.

What was Treason in some other Reigns will be so in this, whether it come from the North or the South; 'tis easier for a Moth to findge his Wings than extinguish a dazzling light. We have the happiness to live under a Queen who is a Native of our own Country, acquainted with her People and Constitution, whom every body may heartily and without grumbling obey; who had by our Law the undoubted Right, all other Pretensions being well excluded by Parliament; who is of our own Religion and Church, and has by her Royal Word so declar'd her self, in her Speech on Wednesday the 11th of *March* 1701. Her Majesty taking notice of her succeeding to the Crown, says: "I am Extremely Sensible of the Weight and Difficulty it brings upon Me. But the true Concern I have for Our Religion, for the Laws and Liberties of *England*, for the Maintaining the Succession to the Crown in the Protestant Line, and the Government in

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" Church and State, as by Law Eſtabliſhed, Encourages Me in this Great Undertaking," and concludes, "As I know My Own Heart to be Entirely *English*, I can very Sincerely Aſſure you, There is not any Thing you can Expect or Deſire from Me, which I ſhall not be ready to do for the Happineſs and Proſperity of *England*: And you ſhall always Find Me a Strict and Religious Obſerver of My Word.

In another Speech, on Monday the 25th of *May*, 1702. her Maſteſty ſays, " My own Principles muſt always Keep Me Intirely Firm to the Interests and Religion of the Church of *England*, and will Incline Me to Countenance thoſe who have the trueſt Zeal to Support it".

In a third Speech, on Saturday the 27th of *Feb.* 1702. her Maſteſty ſays, " That all thoſe who have the Happineſs and Advantage to be of Our Church, will Conſider, That I have had My Education in it, and that I have been willing to run great Hazards for its Preſervation, and therefore they may be very Sure, I ſhall always make it My own partiular Care to Encourage and Maintain this Church as by Law Eſtabliſhed, and every the leaſt Member of it, in all their Juſt Rights and Privileges; and upon all Occaſions of Promotions to any Eccleſiaſtical Dignity, I ſhall have a very Juſt Regard to ſuch, as are Eminent and Remarkable for their Piety, Learning, and Conſtant Zeal for the Church; that by this and all other Methods which ſhall be thought proper, I may Tranſmit it Securely Settled to Poſterity.

A Queen that has Wiſdom and Prudence enough to ſee thro', and in due time put a ſtop to any little Arts and Contrivances laid againſt This Church, by deſigning Perſons to ſcreen themſelves; after all theſe Aſſurances, which in Honour ſhe cannot, in Juſtice ſhe will not in the leaſt deviate from; Who can imagine otherwiſe without the higheſt Indignity and Affront poſſibly put upon their Sovereign? I ſay, living under ſuch Bleſſings as theſe, it may be impertinent ſo much as to name High-Treaſon.

Gentlemen,

You can't but know how neceſſary it is to Preſent, and as much as in you lies, Prevent the writing and diſperſing of falſe News and Libels; I fear there are thoſe that frequently find fault with the four late Reigns, and ſeem plainly to begin at the uniting of *Great Britain*, and reflect on the Illuſtrious Houſe of the *Stuarts*, upbraid One with Kingcraft, Falſhood and Cowardiſe (as much

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as in them lies) justify the most barbarous, and villainous Treason and Murther that ever was committed; another they call lazie, and despise the eighteen Years Peace when they were glutted with Plenty; and to shew their extraordinary Kindness to the Family, reflect on the Father of her Majesty, which, one would think, might be reason enough to bury in silence all faults in him. Death it self can't secure against these base practises; they can't permit the very Ashes of a great Prelate of our Church to lie quiet in his Grave, without the ill name of a Papist, whose Death, had it been thought legal (without doubt) the Judgment would have been revers'd by Act of Parliament, as a noble Earls was, wherein his Enemies *Moderation* is sufficiently set forth. Of what dangerous Consequences may it not be, to have the Proceedings and Votes in either, or both Houses of Parliament, or their Members, or but one single Vote of them made publick without Authority, where the Writer puts in, or omits what he pleases; to have whole Lists, and those false too, of Persons that voted one way or other? And as if the first Grant from the Throne (as I take it of course) were only to indemnify against the Crown, but every private Scribbler could (as he may fancy to call it) do himself right, and by characterizing Men of the strictest Honour and Worth, let loose the Mob upon them; these things make Men look back upon the late Times with horrid Amazement; these unnatural Divisions look as if we did not indeed desire that Peace we daily pray for; we must be in earnest if we hope to beat the mighty Monarch of *France*, who, we find, is easier conquered in a Coffee-house than the Field (notwithstanding our early Campaigns.) How pleasant soever the clear 4s. in the Pound out of the Rack-rent, without any deductions for Repairs, Tenants breaking, Lands in the Owners Hands, and other accidents; several other Taxes and Excises, dearness of all Foreign Commodities, some twice or thrice shipt, and the cheapness of our own Product, plenty of Melancholy, or Vapours, and Paper credit, but pinching want of Money and Trade, and that hazardous too may be to the Courtier and those that fleece (I had almost said) flea the People. The consumption of Timber may easily shew what huge Sacrifices have been made to preserve the Soil; yet if the dark Secret of Families were look'd into, there would be a number of Mortgages, and Arrears of Interest found, that has eat into the Bowels of the Ground, and almost devoured the poor ancient Country Gentlemen; not to say any thing of the sad case

of younger Children, and how young Ladies shall get Husbands, this should provoke us to Peace among our selves, as we would get rid of this grievous burthen; and nothing keeps Men more from Unity than the dispersing of false Reports.

It may be esteemed a critical time to declare a Man's Thoughts in freely; but this, ever since I was capable of judging, was, is, and I hope will be my Opinion, not being a hasty one, but grounded on a long Consideration, and the prejudice of Education to the contrary; the more hazardous, the more it becomes every honest Man to publish of what Church he is and will stand by, especially where a Person appears in a publick Quality, and under an Oath to discharge an Office to the best of his Understanding and Judgment, which I shall endeavour, without keeping silent for fear, if the Churches Enemies were more numerous and wealthy, as is by some boldly, but without good reason asserted, or warping for favour; I shall look on it as an Honour to be misrepresented, and as some People may foolishly call it, lessened, for doing what I take to be my Duty. I too well know my own Incapacities and Inabilities to be fond of an honourary Trust; where a Man may have an Information against him, and yet never think himself too blame; a Trust which is easily Accepted, but troublesome and difficult in the Execution; where a Man spends his Time and Money, and therefore ought in reason to be protected tho' he mistakes the Law, unless it be done corruptly. It would be thought hard in *Westminster-hall*, for a Judge that enjoys a Place of Ease and Profit, and is never forc'd to accept it, to be punished for barely acting as such, tho' his Judgment be erroneous and afterwards reversed. There can be no such Monster as a Low Church, every Person must be zealous for maintaining her in all her just Rights, or whilst he pretends only to her, and is not hearty for her, he shews to the World he's of no Church at all; whoever lives not up to the glorious Principles of the Church of *England*, ought to take the shame to himself; but the practice of the particular Members is no just reflection upon her, who dispenses no Pardons for wilful Sins, or what she judges unjust in her Professors, or permits them hypocritically to comply upon
OCCASION.

The first of *Elizabeth* takes notice that the repeal of the Statute of the 5th and 6th of *Edward VI.* for an uniform Order of Common Prayer and administration of Sacraments, Rights and Ceremonies, in the Church of *England*, by the first of Queen *Mary*,
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was to the great decay of the Honour of God, and discomfort of the Professors of the truth of Christs Religion, repeals that repeal, confirms the Statute of Edward VI. enacts, *That if any Beneficed Person shall declare against the said Book of Common-Prayer, shall be for the first Offence suspended for one Year, be imprisoned six Months; for the second deprived; offending again, imprisoned a Year; offending a fourth time, imprisoned during life. That if any other Person, or Persons, shall in any Plays, Rhimes, &c. speak any thing in derogation, depraving, or despising the same, or any part thereof, shall pay for the first Offence one hundred Marks, be imprisoned six Months; the second four hundred Marks, be imprisoned one Year. And enacts, That every Person within this Realm, shall diligently and faithfully, having no lawful excuse to the contrary, resort to their Parish-Church, where Common-Prayers, &c. shall be used, on every Sunday and Holiday, and there abide orderly and soberly, during the whole time, upon pain of Twelve Pence a Sunday, and enacts the retaining the same Ornaments as before.*

By the 22d of Charles II. "For providing further and more speedy Remedies against the growing and dangerous Practises of Seditious Sectaries, and other disloyal Persons, who under pretence of tender Consciences have, or may at their Meetings contrive Insurrections (as late Experience has shewn"; these are the very Words of the Preamble of the Statute, it enacts, *That if any above sixteen be present at any Assembly, under pretence of exercise of Religion, where there are five or more besides those of the Household, it shall be lawful for one Justice to make a Record of the same, which is declared a Conviction; the Penalty of the first Offence five Shillings, the second ten shillings on every Offender; and in case of Poverty, the Fines to be levied on those able under ten Pounds, upon the Preacher twenty Pounds the first time, forty the next; and this upon the Penalty of one hundred Pounds upon the Justice.*

Yet notwithstanding the Church of England was armed with these and larger Powers, such has been her clemency, to agree to a Law that indulges all Dissenters, that do but call themselves Protestants, in effect to set up a Religion of their own; so their Preacher takes a Licence, signs thirty five, and part of another, of the nine and thirty Articles of the Church of England, and leaves the Doors unbarred and unbolted; which small Compliances if they refuse, Stubbornness, not Religion, must be the cause, and they incur the Penalty of these two, and other Acts dispensed with, and ought to be presented by you.

If any one takes up a Land-man, and don't carry him before a Justice, and pursue the late Act of Parliament (tho' with a Warrant) I take it to be a Misdemeanour and breach of the Peace, and presentable by you; if it was lawful before, this Act was vain. The Parliament were so tender in this Point as to make it probationary, and that too but for a very short time; it is the taking away that which is much dearer to a Man than his Goods, and next to his Life, his Liberty, and perhaps carrying him where the Queens Writ can't be executed; and if he have an Action when he can, if ever he comes home, it is such a Remedy a poor Man had as good be without. I have already spent so much of your Time, that should I begin with the Statute of *Winchester*, and *Labourers*, which gives the first Power to Justices of the Peace, and but give an Abstract of all the Laws which give them a Jurisdiction, the Acts are so many, their Authority so large, and Office so extensive, I should tire your Patience. As the Trust increases daily, and requires greater Judgment, Honour and Justice, so do their numbers too; I wish its Reputation may not sink, but their Qualifications may be answerable.

Gentlemen,

You look like Persons that have served here before, and understand your Business and Duty; it would be to no purpose to say more. If any Doubt arises the Court will be ready to give you further Information.



F I N I S.